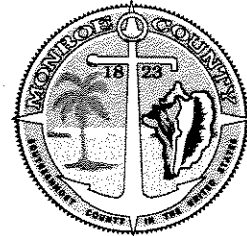


MEMORANDUM
MONROE COUNTY PLANNING DEPARTMENT
We strive to be caring, professional and fair



To: Monroe County Planning Commission

Date: February 16, 2007

Meeting: March 7, 2007

From: Joseph Haberman, Planner *JH*

Through: Aref Joulani, Senior Director of Planning & Environmental Resources *AJ*

RE: *Variance Request by Key West Harbour Development*
6000 Peninsula Avenue, Stock Island, Mile Marker 5

I REQUEST:

A. Proposal:

The Applicant is requesting a Variance in order to receive a reduction in the off-street parking required for a proposed redevelopment. The subject property is commonly known as Peninsular Marine.

The Applicant initially submitted an application to the Director of Planning & Environmental Resources for an Administrative Variance in order to reduce the off-street parking requirements. However, during the required 30 calendar days of posting, the Applicant requested that a public hearing be scheduled on the application in accordance with Sec. 9.5-523(j) of the Monroe County Code (MCC).

The redevelopment proposal includes the construction of three (3) boat barns, which would provide space for up to 475 dry boat storage racks; one (1) multi-use building, which would contain a private ship's store and four (4) affordable housing dwelling units; one (1) private club house, which would contain dining facilities and other amenities for members of the marina; and three (3) attached market-rate dwelling units.

B. Location:

1. Island & Mile Marker: Stock Island, Mile Marker 5
2. Address: 6000 Peninsula Avenue
3. Legal Description: Lots 5, 6 & 7, Square 61, Maloney Sub
4. Real Estate Numbers: 00127470.000000; 00127480.000000 & 00127480.000100

C. Applicant:

1. Owner: Key West Marina Investments LLC
2. Agent: Owen Trepanier, Trepanier & Associates

II PROCESS:

Pursuant to MCC Sec. 9.5-524, the Planning Commission is authorized to grant variances for a reduction in the off-street parking requirements.

III PRIOR COUNTY ACTIONS:

The Applicant has applied for an Amendment to a Major Conditional Use in order to redevelop the subject property. The application is scheduled to be heard by the Planning Commission on March 7, 2007.

The Applicant applied for an Administrative Variance to the off-street parking requirements on February 2, 2007. The Applicant requested that a public hearing be scheduled on the application on February 15, 2007.

IV BACKGROUND INFORMATION:

- A. Size of Site: 570,461 ft² (13.1 acres) of upland area and 824,641 ft² (18.9 acres) of submerged land (source: 2005 boundary survey by Frederick H. Hildebrandt)
- B. Land Use District: Mixed Use (MU)
- C. Future Land Use Map (FLUM): Mixed Use / Commercial (MC)
- D. Proposed Tier Designation: Tier III, Infill Area
- E. Existing Vegetation / Habitat: Developed, with mangrove areas along some shorelines.
- F. Community Character of Immediate Vicinity:

The community character of the immediate vicinity is derived from a mixture of land uses, including commercial retail, office, light industrial and residential. In addition, there are other mixed-use marinas nearby, including Kings Pointe Marina.

The location of the subject property on a peninsula along the southern shoreline of Stock Island leads to a majority of the property being surrounded by open water. As a result, there is only one contiguous property under separate ownership. The contiguous property, located to the West and owned by the federal government, is developed with a communications facility.

V REVIEW OF APPLICATION:

Pursuant to MCC Sec. 9.5-352, Required Parking, the Applicant's redevelopment proposal would be subject to the following off-street parking requirements:

SPECIFIC USE	MULTIPLIER	PROPOSED	REQUIRED SPACES
Multi-Family Dwelling Unit	1.5 spaces / unit	6 units	9.0 spaces
Commercial Retail*	3 spaces / 1,000 ft ²	9,485 ft ²	28.5 spaces
Live-Aboards	1.5 spaces / berth	50 berths	75.0 spaces
Marinas	1.0 space / berth	50 berths**	50.0 spaces
Marinas	1.0 space / 4 dry racks	475 dry racks	118.8 spaces
TOTAL			281.3 spaces

* As a note, the private club house is an accessory use to the principal marina use, and therefore not subject to off-street parking requirements

** In total, there are 100 proposed wet slips; however 50 are proposed to remain live-aboards

Using the Shared-Parking provision, the Applicant's redevelopment proposal would be subject to the following off-street parking requirements:

SPECIFIC USE	NIGHTTIME	WEEKDAY		WEEKEND	
	12AM- 6AM	9AM-4PM	6PM-12AM	9AM-4PM	6PM-12AM
Marinas (168.8 spaces)	8.4	118.2	16.9	168.8	33.8
Residential (84.0 spaces)	84.0	50.4	75.6	67.2	75.6
Commercial Retail (28.5 spaces)	1.4	17.1	25.7	28.5	20.0
TOTAL	93.8	185.7	118.2	264.5	129.4

Under the shared-parking calculation, the required parking for the proposed redevelopment would be 265 spaces. The site plan indicates that 222 off-street parking spaces will be provided. This is 43 spaces short of the 265 spaces required, or 16 percent of the total required.

Handicap Parking

If the variance is approved, seven of the 222 off-street parking spaces provided must meet the handicap parking design requirements set forth in Chapter 11 of the Florida Building Code, the Florida Accessibility Code for Building Construction. The site plan indicates that seven off-street parking spaces will be handicap accessible.

Scooter and Bicycle Parking

The Applicant is also proposing an undesignated amount of scooter parking and two bike racks (each accommodating ten bikes).

1 The provision of bike racks is consistent with Action Item 9.4.3 of *Master Plan for*
2 *the Future Development of Stock Island & Key Haven*, which requires the provision of
3 bicycle facilities and parking in all new development and redevelopment.
4

5 In addition, Action Item 9.1.2 of *Master Plan for the Future Development of Stock*
6 *Island & Key Haven* states that Staff should amend the parking regulations of the
7 land development regulations to reduce the amount of required vehicular parking
8 spaces in commercial establishments in exchange for scooter spaces. Although
9 Action Item 9.1.2 has not been codified as of this date, the provision of scooter
10 spaces would alleviate some of the need for vehicular parking spaces.
11

12 *Boat Ramp Parking*

13

14 Boat ramps require 6.0 off-street parking spaces per ramp (being a minimum of 14
15 feet by 55 feet) to accommodate trailers and oversized vehicles. No boat ramp
16 parking was assessed for the boat lift because only clients will have access to the
17 private lift and their vessels will be stored on the property and transported to the
18 lift by staff of the facility. In addition, since it has not been determined if the
19 public access to the waterfront outside of the gated facility would take the form of
20 a boat ramp or dock, no parking requirements for the ramp were included in the
21 above analysis.
22

23 Pursuant to MCC Sec. 9.5-523(f), the Planning Commission shall grant a
24 variance if the Applicant demonstrates that all of the following standards are
25 met:
26

27 A. *The Applicant demonstrates a showing of good and sufficient cause;*
28

29 The Applicant asserts that the property is oddly-shaped and surrounded by
30 water on three sides. As a result, required shoreline setbacks are imposed on a
31 larger area of land than encountered on a typical site.
32

33 In addition to the physical constraints of the site, the Applicant asserts that
34 because the proposed redevelopment is a multi-service, gated facility, the same
35 clients will utilize the different services. Therefore, the Applicant claims that the
36 parking that is required based on the floor area of the development is duplicative
37 and has been met when addressing the parking for the wet and dry slips. The
38 Applicant also maintains that several studies demonstrate that marina storage
39 generates very little parking demand and that the parking requirements of
40 Monroe County are greater than other jurisdictions.
41

42 Staff has determined that the facility will be gated and there will be no public
43 access to the site and that all accessory uses, such as the ship's store and club
44 house, will be limited to slip owners and their guests. In addition, the physical
45 constraints of the site render it impossible to meet the parking requirements of
46 the redevelopment as proposed.

1
2 Staff has also reviewed the Applicant's assertion that the off-street parking
3 requirements for boat storage are excessive. Although no study specifically
4 addressing the proposed redevelopment was provided for review, Staff has
5 determined that the required off-street parking for the proposed redevelopment
6 would be greater than that necessary.
7

8 Therefore, Staff has found that the Applicant has demonstrated a showing of
9 good and sufficient cause in that the off-street parking requirements are
10 duplicative and thereby result in higher requirement than that actually required
11 for this proposed redevelopment. The Monroe County Traffic Consultant has
12 agreed with the findings provided.
13

14 B. *Failure to grant the variance would result in exceptional hardship to the Applicant;*
15

16 The Applicant asserts that without a variance, the developer would have to
17 reduce the amenities provided to the membership and that this forced reduction
18 would lead to a loss in the historic services provided at the site.
19

20 Pursuant to MCC Sec. 9.5-4 (E-4), *exceptional hardship* means a burden on a
21 property owner that substantially differs in kind or magnitude from the burden
22 imposed on other similarly situated property owners in the same land use
23 district as a result of adoption of these regulations.
24

25 Staff has found that without a Variance, the developer would have to either
26 reduce the proposed amount of nonresidential floor area, boat racks and/or
27 dwelling units in order to meet the parking requirements. Although a reduction
28 of nonresidential floor area or dwelling units does not constitute an exceptional
29 hardship, Staff has determined that a full application of the off-street parking
30 requirements would be excessive for this particular redevelopment. Thus, failure
31 to grant the Variance would result in exceptional hardship to the property owner
32 in that the redevelopment would have to be scaled back in order to meet parking
33 requirements that Staff has determined to be excessive for the project as currently
34 proposed.
35

36 C. *Granting the variance will not result in increased public expenses, create a threat to*
37 *public health and safety, create a public nuisance, or cause fraud or victimization of the*
38 *public;*
39

40 The Applicant asserts that no threat to public safety will occur as a result of a
41 variance and that there will be no additional expense to the public or public
42 nuisance. Further, the Applicant states that the marina will provide valet
43 parking to each member, and as a result there will be no victimization of the
44 public.
45

1 Staff has found that the granting of the Variance would not burden public
2 resources or create a health and safety threat, create a nuisance, or cause fraud or
3 victimization to the public.
4

- 5 D. *The property has unique or peculiar circumstances, which apply to this property, but*
6 *which do not apply to other properties in the same zoning district;*
7

8 The Applicant asserts that the geographic shape of the property results in
9 shoreline setbacks on three exterior sides and all along the interior of the site.
10 Further the Applicant claims that the site contains a manmade navigable basin
11 that has historically operated with no setbacks and that the design of the basin
12 makes it impossible to maintain the required setbacks and a functional marina
13 use.
14

15 The location of the subject property on a peninsula leads to a majority of the
16 property being surrounded by open water. As a result of its peninsular location,
17 Staff has found that the property has unique and peculiar circumstances, which
18 apply to the property, but which do not apply to other properties in the same
19 zoning district.
20

- 21 E. *Granting the variance will not give the Applicant any special privilege denied other*
22 *properties in the immediate neighborhood in terms of the provisions of this chapter or*
23 *established development patterns;*
24

25 The Applicant asserts that no special privilege will be conferred to the property
26 in that the proposed redevelopment has unique physical constraints, the gated
27 development will be limited to members only, and the amount of parking that is
28 typically required is not needed for this particular project.
29

30 Staff has found that granting the Variance would not give the Applicant special
31 privileges denied to other properties in the immediate vicinity.
32

- 33 F. *Granting the variance is not based on disabilities, handicaps or health of the Applicant or*
34 *members of his family;*
35

36 Staff has found that granting the Variance would not be based on disabilities,
37 handicaps or health of the Applicant or members of his family.
38

- 39 G. *Granting the variance is not based on the domestic difficulties of the Applicant or his*
40 *family; and*
41

42 Staff has found that granting the Variance would not be based on the domestic
43 difficulties of the Applicant or his family.
44

- 45 H. *The variance is the minimum necessary to provide relief to the Applicant.*
46

1 The Applicant has only requested adjustments that may be granted
2 administratively. Further, the Applicant claims that the request is minimum
3 variance needed to make the project viable economically and will enable the
4 owners to continue to provide the comprehensive service that has been
5 historically provided on the site.

6
7 Staff has found that this request is the minimum necessary to provide relief. The
8 proposed amount of off-street parking is consistent with similar boat storage
9 developments outside of Monroe County.

10
11 VI RECOMMENDED ACTION:

12
13 Staff has proposed that the following conditions be attached to the granting of a
14 Variance:

- 15
16 A. The granting of this Variance is based on the submitted site plan by Consulting
17 Engineering and Science (CES), dated Dec. 5, 2006. Work not specified or
18 alterations to the site that would increase the required amount of off-street
19 parking spaces may not be carried out without additional approval.
20
21 B. The proposed redevelopment is currently scheduled for Major Conditional Use
22 review by the Planning Commission. No development proposed in the major
23 conditional use application is being approved at this time.
24
25 C. No parking spaces may be designated for a specific use (i.e. residential only or
26 commercial only).
27
28 D. The site plan must receive all necessary approvals from the County Engineer,
29 County Traffic Consultant and Fire Marshall.
30
31 E. All regular parking spaces must meet the design requirements set forth in
32 Chapter 9.5 of the Monroe County Code and all handicapped parking spaces
33 must meet the design requirements set forth in Chapter 11 of the Florida
34 Building Code, the Florida Accessibility Code for Building Construction.
35

36 VII RECOMMENDATIONS:

- 37
38 A. Staff recommends APPROVAL to the Planning Commission if all the above
39 conditions are met.
40

41 VIII PLANS REVIEWED:

- 42
43 A. Site Plan (C-1) by Consulting Engineering and Science (CES), dated Dec. 5, 2006;
44 B. Unsealed Boundary Survey by Frederick H. Hildebrandt, dated Oct. 28, 2005